

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Nos. 09-CR-20083-1
09-CR-20266-1

ANIBAR PALACIOS-HERNANDEZ
a/k/a MANUEL GOMEZ-LOPEZ,

Honorable Patrick J. Duggan

Defendant.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on September 17, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On August 10, 2009, Defendant was sentenced to 33 months on Case No. 09-CR-20083-1, and on Case No. 09-CR-20266-1 he was sentenced to 4 months to run consecutive to the sentence on imposed on 09-CR-20083.

Presently before the Court is Defendant's "Motion for Concurrent Sentencing or Downward Departure," which was filed on September 15, 2009. The essence of Defendant's motion is a request that the Court "reduce" his sentence. Defendant's motion must be denied.

Defendant assumes that this Court has “discretion” to reduce his sentence. The Court does not have such discretion. Once a court imposes a sentence of incarceration, the Court may not later change that sentence except in limited circumstances, none of which apply in this case.

However, even if the Court had discretion, the Court would not reduce the sentence that it imposed.

For the reasons sets forth above,

IT IS HEREBY ORDERED that Defendant’s motion is DENIED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Anibar-Palacios-Hernandez
a/k/a Manuel Gomez-Lopez, #34161-177
FCI Milan
P.O. Box 1000
Milan, MI 48160